

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Phoenia L. Ray,
on behalf of A.K.D.,

Case No. 3:13CV1684

Plaintiff,

v.

ORDER

Carolyn W. Colvin,
Acting Commissioner of Social Security,

Defendant.

This is a Social Security case in which the Commissioner denied plaintiff Phoenia L. Ray's application, which she submitted on behalf of her minor son, for supplemental security income.

Pending is the Magistrate Judge's Report and Recommendation (R&R), which suggests I vacate the Commissioner's decision because the administrative law judge (ALJ): 1) misapplied the treating-physician rule; 2) provided an inadequate step-three analysis; and 3) failed to explain why she did not credit plaintiff's son's testimony regarding his functional ability and pain levels. (Doc. 22).

The Commissioner has indicated she does not object to the R&R.

After reviewing the R&R, I concur with the Magistrate Judge that the ALJ's decision cannot stand, and that a remand for further proceedings is required.

It is, therefore, ORDERED THAT:

1. The Magistrate Judge's R&R (Doc. 22) be, and the same hereby is adopted as the order of this Court; and
2. This case is remanded to the Social Security Administration for further proceedings consistent with this order.

So ordered.

/s/ James G. Carr
Sr. U.S. District Judge